

REMARKS

Claims 1-9, 12, 14-17, 19-27, 40-51, 53-60 and 63 were pending and have been rejected by the Examiner. Claims 1, 14, 20, 40, and 53 have been amended. Claims 16, 22, 23, 58 and 59 have been cancelled without prejudice or disclaimer. No new matter has been added. Accordingly, claims 1-9, 12, 14-15, 17, 19-21, 24-27, 40-51, 53-57, 60 and 63 are presented and at issue. Reconsideration of claims 1-9, 12, 14-15, 17, 19-21, 24-27, 40-51, 53-57, 60 and 63 is respectfully requested in view of the foregoing amendments and following remarks.

Claim Rejections Under 35 USC § 103

Claims 1-8, 14-17, 20-24, 40-47, 51, 53-55, and 57-60 were rejected under 35 U.S.C. §103(a) as being unpatentable over Daly (U.S. Patent No. 6,122,503) in view of Leung (U.S. Patent No. 6,195,546) and Josenhans (U.S. Patent No. 5,953,653).

The foregoing rejection is traversed for the following reasons. Applicants respectfully submit that the obviousness rejection based on Daly, Leung, and Josenhans is improper as Daly, Leung, and Josenhans fail to teach or suggest each and every element of the instant invention in such a manner so as to perform as the claimed invention performs. For an obviousness rejection to be proper, the Examiner must meet the burden of establishing a *prima facie* case of obviousness. *In re Fine*, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988). The Examiner must meet the burden of establishing that all elements of the invention are taught or suggested in the prior art. MPEP §2143.03.

Even if the teachings of Daly, Leung, and Josenhans are combined, the resulting combination fails to meet applicants' claimed invention. Amended claims 1 and 40 now recite “transmitting a third item of information to the wireless device...*wherein the third item of information is associated with a type and a model number for the first wireless device*”. Likewise, claim 14 has been amended to recite “transmitting information to the wireless device only in response to the autonomous registration, *wherein the information is associated with a type and a model number for the wireless device*”. Moreover, claims 20 and 53 have been amended to recite “*wherein the system retrieves a message from the message database based on a type and a model number for the wireless device*”. Support for the foregoing

amendments is found throughout the specification, for example at paragraph [0056] and also with reference to FIGs. 8 and 11.

Neither Daly, Leung, nor Josenhans disclose Applicants' features set forth in claims 1 and 40 specifying the transmission of "a third item of information to the wireless device...*wherein the third item of information is associated with a type and a model number for the first wireless device*". Moreover, neither Daly, Leung, nor Josenhans disclose Applicants' features set forth in claim 14 specifying the transmission of "information to the wireless device only in response to the autonomous registration, *wherein the information is associated with a type and a model number for the wireless device*". Finally, neither Daly, Leung, nor Josenhans disclose Applicants' features set forth in claims 20 and 53 specifying "*wherein the system retrieves a message from the message database based on a type and a model number for the wireless device*".

With reference to page 10 of the Office Action dated April 11, 2007, the Examiner cites col. 6, lines 20-63 of Daly as purportedly disclosing assembly of third information based upon characteristics of the wireless device. However, this passage only discloses the HLR being capable of setting a delivery pending flag based upon the ESN (electronic serial number) or MIN (mobile identification number) of a wireless device. Daly indicates that a range or block of MINs may be specified, such as NPA-Nxx-xxxx to NPA-Nyy-yyyy. Neither the ESN nor the MIN specify a type or model number for a wireless device. Moreover, selecting a range of MINs (i.e., mobile telephone numbers) as disclosed in Daly will not result in selection of specific types or model numbers of wireless devices, as any MIN could be assigned to any type or model number of device. In view of the foregoing analysis, Daly fails to disclose or suggest assembling information based upon a type and a model number for the wireless device.

Leung fails to remedy the deficiencies of Daly. Leung discloses an apparatus for initiating an over the air parameter administration of a mobile station without the need for interacting with a mobile station user. A unique service option number included in an initial page indicates to a mobile station that an update is being requested. The mobile station performs a validation check before permitting the update to take place. Flags are used in the network to alert the system that an attempted update was not completed because a mobile station was not accessible. The flags cause the system to update when the mobile station next becomes accessible. However, Leung fails to disclose or suggest the transmission of "a third item of

information to the wireless device...wherein the third item of information is associated with a type and a model number for the first wireless device". Leung also fails to disclose the transmission of "information to the wireless device only in response to the autonomous registration, wherein the information is associated with a type and a model number for the wireless device". Finally, Leung fails to disclose a system that "retrieves a message from the message database based on a type and a model number for the wireless device".

Josenhans fails to remedy the deficiencies of Leung and Daly. Josenhans is directed to techniques for preventing delivery of mobile telephone service in response to fraudulent roaming requests. A first database stores home/serving market identification codes and a second database stores authorized subscriber identification data. A monitoring device monitors communication data in response to a power on signal transmitted by the mobile telephone unit. A central server then determines if the subscriber is authorized to receive service in the roaming market based on the communication data, the home/serving market identification codes stored in the first database, and the authorized subscriber identification data stored in the second database. The home carrier mobile network can then prevent the subscriber from obtaining service in roaming markets or any other market thereafter if the subscriber is not authorized to receive service in that roaming market by updating data stored in a subscriber profile database to reflect the subscriber must be routed to customer service upon placing an outgoing call following the power on signal.

Josenhans fails to disclose or suggest the transmission of "a third item of information to the wireless device...wherein the third item of information is associated with a type and a model number for the first wireless device". Instead, the fraud prevention techniques described in Josenahns are performed irrespective of what type or model number of wireless device is attempting to place a fraudulent roaming call. Josenhans also fails to disclose the transmission of "information to the wireless device only in response to the autonomous registration, wherein the information is associated with a type and a model number for the wireless device". Finally, Josenhans fails to disclose a system that "retrieves a message from the message database based on a type and a model number for the wireless device".

In view of the foregoing, claims 1, 14, 20, 40, and 53 are patentable over Daly in view of Leung and Josenahns. Claims 2-9 and 12 depend from claim 1 and include all limitations thereof. Similarly, claims 15, 17, and 19 depend from claim 14 and include all limitations

thereof. Likewise, claims 21 and 24-27 depend from claim 20 and include all limitations thereof. Moreover, claims 41-51 depend from claim 40 and include all limitations thereof. Finally, claims 54-57, 60 and 63 depend from claim 53 and include all limitations thereof. Accordingly, it is submitted that claims 2-9, 12, 15, 17, 19, 21, 24-27, 41-51, 54-57, 60 and 63 are patentable over Daly in view of Leung and Josenahns for the reasons discussed above in connection with claims 1, 14, 20, 40, and 53.

In addition to the foregoing, Applicants find no motivation or suggestion in Daly to modify the teachings of Leung and Josenhans to arrive at the claimed arrangement of elements. Likewise, there is no motivation or suggestion in Leung or Josenhans to modify the teachings of Daly to arrive at the claimed arrangement of elements.

The Examiner rejected claims 9 and 48 under 35 USC 103(a) as being unpatentable over Daly in view of Josenhans and Leung and further in view of Seazholtz, U.S. Patent No. 5,790,952. The foregoing rejection is traversed for the following reasons. Claim 9 depends from independent claim 1 and includes all limitations thereof. Similarly, claim 48 depends from independent claim 40 and includes all limitations thereof. Since independent claims 1 and 40 are allowable for the reasons discussed previously, claims 9 and 48 are also allowable as depending from an allowable base claim.

The Examiner rejected claims 9 and 48 under 35 USC 103(a) as being unpatentable over Daly in view of Josenhans and Leung and further in view of D'Avello, U.S. Patent No. 4,831,647. The foregoing rejection is traversed for the following reasons. Claim 9 depends from independent claim 1 and includes all limitations thereof. Similarly, claim 48 depends from independent claim 40 and includes all limitations thereof. Since independent claims 1 and 40 are allowable for the reasons discussed previously, claims 9 and 48 are also allowable as depending from an allowable base claim.

The Examiner rejected claims 12, 19, 27, and 63 under 35 USC 103(a) as being unpatentable over Daly in view of Josenhans and Leung and further in view of McConnell, U.S. Patent No. 6,418,306. The foregoing rejection is traversed for the following reasons. Claim 12 depends from independent claim 1 and includes all limitations thereof. Similarly, claim 19 depends from independent claim 14 and includes all limitations thereof. Likewise, claim 27 depends from independent claim 20 and includes all limitations thereof. Finally, claim 63 depends from independent claim 53 and includes all limitations thereof. Since claims 1, 14, 20,

and 53 are allowable for the reasons discussed previously, claims 12, 19, 27, and 63 are also allowable as depending from an allowable base claim.

Applicants submit that Daly, Leung, Josenhans, D'Avello, McConnell, and Seazholtz fail to teach or suggest each and every element of the claimed invention and are therefore wholly inadequate in their teaching of the claimed invention as a whole, fail to motivate one skilled in the art to do what the Applicants have done, fail to recognize a problem recognized and solved only by the present invention, fail to offer any reasonable expectation of success in combining Daly, Leung, Josenhans, D'Avello, McConnell, and Seazholtz to perform as the claimed invention performs, disclose substantially different inventions from the claimed invention, and therefore cannot properly be used to establish a *prima facie* case of obviousness. Accordingly, Applicants respectfully request reconsideration and withdrawal of all rejections under 35 U.S.C. §103(a), which rejections Applicants consider to be traversed.

CONCLUSION

It is believed that the foregoing amendments and remarks fully comply with the Office Action and that the claims herein should now be allowable to Applicants. Accordingly, reconsideration and allowance is requested. It is submitted that the foregoing amendments and remarks should render the case in condition for allowance.

Accordingly, as the cited references neither anticipate nor render obvious that which the applicant deems to be the invention, it is respectfully requested that claims 1-9, 12, 14-15, 17, 19-21, 24-27, 40-51, 53-57, 60 and 63 be passed to issue.

If there are any additional charges with respect to this Amendment or otherwise, please charge them to Deposit Account No. 06-1130.

Respectfully submitted,

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